

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of  
DECLAN P. KELLY ET AL.

Atty. Docket  
NL 021195US

Confirmation No. 7129

Serial No. 10/535,467

Group Art Unit: 2175

Filed: May 17, 2005

Examiner: TAKELE, M.

Title: USER INTERFACE SYSTEM FOR PRESENTING TO A USER THE  
CONTENTS OF AN INFORMATION CARRIER

Mail Stop Appeal Brief-Patents  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on March 18,  
2010, please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief filed on August 4, 2009 which is incorporated herein by reference. Further, Appellants refute the allegations made in the Examiner's Answer of March 18, 2010.

In particular, in the Response to Argument section 10, on page 9, last paragraph, it is noted that U.S. Patent Application Publication No. 2002/0138781 (Okuda) is directed to a file management apparatus intended for use in car-mounted apparatuses, to easily and securely find files by displaying representations of files belonging to a predetermined folder. The next paragraph on page 10 notes that U.S. Patent No. 5,913,038 (Griffiths) is directed to multimedia data processing accomplished by automated assembly of a filter graph, where appropriate filters are selected to handle data processing. The first full paragraph on page 10 of the Examiner's Answer refers to the Abstract of Griffiths, and the end of the paragraph on page 11 of the Examiner's Answer, refers to column 15, lines 1-20 of Griffith to allegedly show the features of the present invention as recited in independent claims 1, 7 and 15.

Appellants respectfully traverse and submit that Griffith

merely discloses in the Abstract to select appropriate filters to handle data processing, and column 15, lines 1-20 of Griffiths describes an example, where on column 14, line 66, to column 15, line 4 specifically recite: (emphasis added)

if a source file having audio and video streams is played on a computer that has no sound card, then the computer cannot generate the appropriate sounds. On such a system, the playing of this file preferably should not fail, but should at least succeed in displaying the video, albeit silently.

Appellants respectfully traverse and submit that the disclosure in Okuda and Griffiths of displaying representations of files belonging to a predetermined folder, and selecting appropriate filters to handle data processing, does not disclose or suggest "means for retrieving stored capabilities (CAP) of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files; selection means for selecting a set of data files complying with the CAP from among data files contained on said information carrier; and presentation means for presenting to said user, a table of contents from the selected data files," as recited in independent claim 1, and similarly recited in independent claims 7 and 15. (Illustrative emphasis provided)

Presenting a table of contents of selected data files that comply with capabilities of the reading apparatus is nowhere disclosed or suggested in Okuda, Griffiths, and combination thereof. Rather, the combination of Okuda and Griffiths merely discloses a file structure used by a personal computer to arrange the recording of music files, which are presumed to be a certain predetermined file format, and selecting appropriate filters to handle data processing so that, for example, a multimedia file may be displayed on a device having no sound card, instead of failing for lack of the sound card.

Accordingly, it is respectfully requested that independent claims 1, 7 and 15 be allowed. In addition, it is respectfully submitted that claims 2-6, 8-14 and 16-18 should also be allowed at least based on their dependence from independent claims 1, 7 and 15 as well as their individually patentable elements.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Appellants reserve the right to submit further arguments in support of the above stated position, should

PATENT

Serial No. 10/535,467

Reply Brief in Reply to Examiner's Answers of March 18, 2010


that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-18 are patentable over Okuda and Griffiths.

Thus, the Examiner's rejections of claims 1-18 should be reversed.

Respectfully submitted,

By   
Dicran Halajian, Reg. 39,703  
Attorney for Appellants  
May 7, 2010

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101